

C<sup>1</sup>  
cont.  
60/135,117, filed August 31, 1998, which was converted from U.S. Non-provisional  
Application No. 09/144,279, filed August 31, 1998.

C<sup>2</sup>  
[0012] - (i) a waxes-in-water emulsion of a mixture of at least one wax having a  
needle penetration ranging from 1 to 7.5 and a melting point ranging from 77°C to  
110°C, and at least one wax having a needle penetration ranging from 1 to 7.5 and a  
melting point ranging from 70°C to less than 77°C, wherein the mixture is present in an  
amount of at least 10% by weight relative to the total weight of said composition, and  
further wherein the waxes in the mixture are in the form of particles greater than or  
equal to at least 1 µm in size, and

**IN THE CLAIMS:**

Please substitute the current version of claim 22 with the following version.

C<sup>3</sup>  
22. (Amended) A method according to claim 1, wherein said at least one  
film-forming polymer is selected from hydroxypropylchitosan and wheat protein  
hydrolysate.

**REMARKS**

**I. Disposition of the Claims**

Claims 1 to 32 and 59 are pending and stand rejected.

Claim 22 has been amended.

Claims 1 to 32 have been rejected under the judicially created doctrine of  
obviousness-type double patenting.

**II. General Comments**

The Appendix contains a version of the foregoing amendments with markings to  
show changes made to comply with Rule 121.

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Paragraph [0001] has been amended to reference the recently issued parent patent, U.S. Pat. No. 6,274,131 B1, in the claim for priority. Paragraph [0012] has been amended to correct inadvertent typographical errors.

Claim 22 has been amended to correct an inadvertent typographical error.

**III. Response to the Request Under 37 C.F.R. § 1.105**

The Office has requested "the identification of the prior art mentioned in Applicants' Remarks filed on December 11, 2001, p. 4, lines 11-18." See Office Action p. 2, lines 12-13. Applicants submit that the requested information relates to nonpublished experiments performed at the assignee's, L'Oréal's, facility in Chevilly Laurie, France. Applicants submit that Mme. Sophie Boudelin performed the test of example 9 in the present specification at the request of an employee at L'Oréal.

**CONCLUSION**

In view of the foregoing amendment and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

The Office is invited to contact Sean A. Passino at (202) 408-6065 if any matters may be resolved by a telephone conference.

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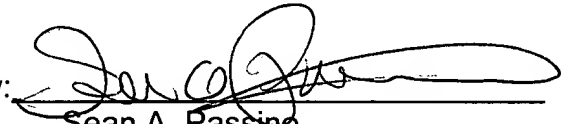
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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 14, 2002

By:   
Sean A. Passino  
Reg. No. 45,943

Enclosure: Appendix: Version with Markings Showing the Changes Made by the Amendment of March 14, 2002

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**Appendix: Version with Markings Showing the Changes Made by the Amendment of March 14, 2002**

The Appendix displays the Changes in the traditional, but abandoned, format.

**IN THE SPECIFICATION:**

[0001] This application is a continuation of U.S. Application No. 09/217,991, filed December 22, 1998, which is incorporated herein by reference, now U.S. Pat. No. 6,274,131 B1, and which claims the benefit of U.S. Provisional Application No. 60/135,117, filed August 31, 1998, which was converted from U.S. Non-provisional Application No. 09/144,279, filed August 31, 1998.

[0012] - (i) a waxes-in-water emulsion of a mixture of at least one wax having a needle penetration ranging from 1 to 7.5 and a melting point ranging from 77°C to 110°C, and at least one wax having a needle penetration ranging from 1 to 7.5 and a melting point ranging from 70°C to less than 77°C, wherein the mixture is present in an amount of at least 10% by [weightr] weight relative to the total weight of said composition, and further wherein the waxes in the mixture are in the form of [particle] particles greater than or equal to at [leat] least 1 µm in size, and

**IN THE CLAIMS:**

22. (Amended) A method according to claim 1, wherein said at least [on] on film-forming polymer is selected from hydroxypropylchitosan and wheat protein hydrolysate.

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